

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,	)	
	)	
Plaintiff,	)	C.A. No. 21-1015 (JLH)
	)	
v.	)	
	)	
SAREPTA THERAPEUTICS, INC.,	)	
	)	
Defendant.	)	
<hr/>		
SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	
	)	
Defendant/Counter-Plaintiffs,	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD.	)	
and NS PHARMA, INC.	)	
	)	
Plaintiff/Counter-Defendants.	)	

**STIPULATION REGARDING DAMAGES PERTAINING TO EX-US SALES**

WHEREAS Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. (collectively, “NS”) and Sarepta Therapeutics, Inc. and the University of Western Australia (collectively, “Sarepta”) (together, the “Parties”) seek to streamline issues before the Court in the above-referenced action pertaining to damages;

WHEREAS NS disputes Sarepta is entitled to any damages and reserves all appellate and post-trial rights pertaining to damages and the jury verdict entered in Phase I of the trial;

WHEREAS Sarepta reserves its rights to move the Court for an ongoing royalty on ex-US sales for sales made on or after December 16, 2024, as well as applicable pre and post-judgment interest on the stipulated ex-US sales damages figure set forth herein through December 15, 2024;

WHEREAS, NS reserves the right to challenge Sarepta's entitlement to any damages for the period of April 1, 2021 through May 11, 2022 except for the below stipulated damages;

IT IS HEREBY STIPULATED, that for ex-United States sales of Viltepso through December 15, 2024 reasonable royalty damages would total \$841,501.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

/s/ *Amy M. Dudash*

---

Amy M. Dudash (#5741)  
1201 North Market Street, Suite 2201  
Wilmington, DE 19801  
(302) 574-3000  
amy.dudash@morganlewis.com

*Counsel for Plaintiff and Counter-Defendants  
Nippon Shinyaku Co., Ltd. and NS Pharma,  
Inc.*

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ *Megan E. Dellinger*

---

Jack B. Blumenfeld (#1014)  
Rodger D. Smith II (#3778)  
Megan E. Dellinger (#5739)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
rsmith@morrisnichols.com  
mdellinger@morrisnichols.com

*Counsel for Defendant and Counter-Plaintiff  
Sarepta Therapeutics, Inc. and the University  
of Western Australia*

Dated: January 3, 2024

SO ORDERED this 7th day of January, 2025



---

Honorable Jennifer L. Hall  
U.S. District Court Judge